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16 September 2010

via ECF and FAX (718)613-2156
Honorable Dora Lizette Irizarry
United States District Court
Chambers
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Kirill Percy
Case #1:05-cr-00471-DLI-1

Dear Judge Irizarry:

Good afternoon. As you know, I am representing Mr. Percy in the above captioned matter. I have received some of the materials from prior counsel, and I have begun to review such materials. Specifically, in reviewing the transcript from the adjourned sentencing dated July 9, 2010, I have determined that we need more time to conduct a semi-audit of Mr. Percy's finances and to prepare certain financial documents, which will enable this Court to obtain a complete and accurate understanding of Mr. Percy's financial position (both now and over the past few years). Additionally, I have already begun preparing affidavits, supporting documents, and a presentation for this Court to review and better understand Mr. Percy's medical conditions. However, all of the aforementioned materials that are needed to prepare the appropriate presentation and documents are not readily available to me. Therefore, I respectfully request that you adjourn the November 8, 2010 sentencing and prior deadline dates, so that all of the information and supporting documentation can be obtained and accurately presented to the Court.

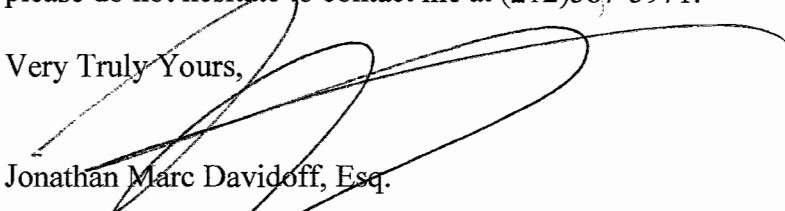
From reviewing the transcript, it is clear that the Court is very frustrated with the lack of information and documentation to support Mr. Percy's financial and medical history. Furthermore, it seems as if there is some information that has either been incorrectly submitted, or has been misinterpreted by the Court. I would like the opportunity to completely and properly have every matter investigated and a proper response provided to the Court, but the short adjournment (even though much appreciated by myself and Mr. Percy) is not enough time. Furthermore, we are awaiting information from the IRS and the State of New York Department of Taxation and Finance, which I have no control over the amount of time that I will retrieve such responses. Finally, we are required to comply with HIPPA and other administrative entities' rules and procedures, which has also delayed our ability to timely obtain the

documentation and information that is necessary to address all of Your Honor's inquiries. The professionals that have been engaged in such matters have also advised me that it is impossible for them to complete their review and evaluation of Mr. Percy's situation within the time constraints already provided by the Court.

I would like to suggest to the Court that you set a sentencing date for January 2011. Such time will enable the accountants and doctores to obtain all of the information they need to prepare the necessary documents for my presentation to the Court. If such time is provided, I will provide an update in mid November to advise the Court of my progress. My goal is to ensure that when the Sentencing is conducted, all of the Court's concerns and questions are adequately answered with no further delay. I have consulted with Mr. Kleinberg about this request, and he has advised me that he has no objection to this request for additional time.

Thank you in advance for your time and consideration of this matter. If there is any additional information you may need or if you desire to discuss this matter with Mr. Kleinberg and myself, please do not hesitate to contact me at (212)587-5971.

Very Truly Yours,



Jonathan Marc Davidoff, Esq.

cc: Maurice Sercarz, Esq. (via E-mail)
Charles Kleinberg, A.U.S.A. (via E-mail)
Kirill Percy (via E-mail)